

Message Text

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16

ACTION NEA-10

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FM AMEMBASSY ISLAMABAD

TO SECSTATE WASHDC 3628

INFO AMEMBASSY KABUL

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AMCONSUL KARACHI

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C O N F I D E N T I A L ISLAMABAD 0391

E.O. 11652: N/A

TAGS: PINT, PK

SUBJECT: DISQUALIFICATION OF FORMER NAP LEGISLATORS

REFERENCE: 1975 ISLAMABAD 11892,

1975 KARACHI 2972 (NOTAL)

1. ALTHOUGH PRESIDENTIAL ORDINANCE DISQUALIFYING
"OFFICE BEARERS" OF THE NATIONAL AWAMI PARTY (NAP) FROM
HOLDING CENTRAL OR PROVINCIAL PARLIAMENTARY SEATS WAS
PROMULGATED THREE WEEKS AGO, EMBASSY AND CONSULATES
KARACHI AND PESHAWAR ARE STILL UNCLEAR AS TO WHICH
LEGISLATORS WILL BE REMOVED. ON OUR FIRST READING
(ISLAMABAD REFTEL) IT APPEARED THAT ALL THREE DOZEN SENATORS,
MNAS, AND NWFP AND BALUCHISTAN MPAS MIGHT BE AFFECTED
ON GROUNDS THAT THEY WERE CONSIDERED EX OFFICIO OFFICE
BEARERS (I.E., MEMBERS OF THE NATIONAL AND PROVINCIAL
COUNCILS) OF THE BANNED PARTY UNDER ORGANIZATION BYLAWS.
BY A SOMEWHAT NARROWER READING (ALTHOUGH WE ARE NOT
SURE ON WHAT BASIS) SOME TWO DOZEN LEGISLATORS WERE
NAMED IN DECEMBER 30 ARTICLE IN GOVERNMENT-OWNED
PAKISTAN TIMES AS SUBJECT TO LOSING THEIR SEATS.

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ARTICLES CITED OFFICIALS AS SOURCE FOR OPINION THAT

UNDER THE ORDINANCE, EIGHT SENATORS, SIX MNAS, SIX MEMBERS OF THE BALUCH ASSEMBLY AND FIVE NWFP ASSEMBLYMEN WOULD LOSE THEIR SEATS. BY A STILL NARROWER DEFINITION, ONLY HOLDERS OF SPECIFIC OFFICES (PRESIDENT, TREASURER, ETC.) OF THE CENTRAL OR PROVINCIAL NAPS WOULD BE REMOVED. ATTORNEY GENERAL YAHYA BAKHTIAR TOLD PRESS DECEMBER 31 THAT ONLY THESE INDIVIDUALS WOULD BE DISQUALIFIED. IF THIS IS THE CASE, THEN BY OUR READING ONLY EIGHT OR NINE LEGISLATORS WOULD BE AFFECTED. THESE WOULD INCLUDE FIVE SENATORS, ONE MNA (WALI KHAN), TWO BALUCH ASSEMBLYMEN AND POSSIBLY ONE NWFP MPA. BAKHTIAR PROXESSED THEN THAT NOTIFICATION WOULD SOON BE ISSUED SPECIFYING WHICH INDIVIDUALS WOULD BE DISQUALIFIED, BUT TO DATE, WE HAVE NOT BECOME AWARE OF SUCH NOTIFICATION.

2. THE QUESTION ARISES AS TO WHAT TREATMENT WILL BE METED OUT TO INDIVIDUALS WHO RESIGNED FROM NAP OFFICES BEFORE FEBRUARY, 1975. ALSO AT ISSUE IS THE FATE OF THOSE INDIVIDUALS WHO, WHILE ELECTED ON NAP TICKETS, ARE TODAY SUPPORTERS IN ONE WAY OR ANOTHER OF THE GOVERNMENT. THESE WOULD INCLUDE FORMER BALUCHISTAN ASSEMBLY SPEAKER BAROZAI WHO WAS NON-PARTISAN AFTER HIS ELEVATION TO THE CHAIR AND WHO IS NOW SERVING AS AN ADVISOR TO THE GOVERNMENT OF BALUCHISTAN UNDER GOVERNOR'S RULE.

3. REGARDLESS OF THE CRITERIA ULTIMATELY USED IN DECIDING WHO IS IN AND WHO IS OUT, THE EFFECT OF DISQUALIFICATION WILL NOT BE AS STRONGLY FELT IN THE LEGISLATURES AS IT MIGHT OTHERWISE HAVE BEEN SINCE SEVEN NAP LEGISLATORS ARE ALREADY BEHIND BARS AND ONE IS EXTERRED IN KARACHI.

4. WHEN THE GOP DOES MOVE ON DISQUALIFICATION, IT MAY BE FACED WITH COURT ACTION. ACCORDING TO A FORMER NAP OFFICIAL, THE DISQUALIFICATION OF NAP LEGISLATORS WILL BE CHALLENGED IN THE PESHAWAR HIGH COURT, WITH TEHRIK-I-ISTIQLAL LEADER MAHMUD KASURI ARGUING FOR THE PLAINTIFFS. IF THIS DOES COME UP THROUGH, LEGISLATORS

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WOULD HAVE TO GIVE UP THEIR SEATS PENDING OUTCOME OF THE DECISION BY THE COURTS.

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